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## DIGEST

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HB 96 Original

2020 Regular Session

Harris

**Abstract:** Creates and establishes procedures for the judicial nominating commissions for the merit selection of judges.

Proposed law creates a Supreme Court Nominating Commission and five appellate court nominating commissions. The appellate court nominating commissions shall serve as the nominating commissions for the district courts, parish courts, family courts, juvenile courts, city courts including the city courts of New Orleans, and municipal and traffic courts of New Orleans located within their circuits. Provides that the purpose of each commission is to consider, screen, and evaluate qualified candidates who seek judicial office. The commissions are to operate in accordance with the Act and rules promulgated by the supreme court.

Proposed law provides for the following relative to the nominating commission:

- (1) Creates the Supreme Court Nominating Commission composed of 15 members selected as follows: one person licensed to practice law in this state selected by each of the five appellate court nominating commissions from its membership and two persons not licensed to practice law in this state selected by each of the five appellate court nominating commissions. Requires that the commission members elect a chairman to serve a term of one year and prohibits more than two consecutive terms by one person as chairman.
- (2) Creates each appellate court nominating commission composed of 15 members selected as follows: six persons selected by the membership of the La. State Bar Assoc. from persons licensed to practice law in this state who reside within the territorial jurisdiction of the respective circuit; and nine persons not licensed to practice law who are elected by a majority of the members of the legislature whose legislative districts are located in whole or in part within the territorial jurisdiction of the respective appellate court circuit. Requires that the membership of each appellate court nominating commission elect a chairman to serve a term of one year and prohibits more than two consecutive terms by one person as chairman.
- (3) Requires that within 90 days after the effective date of this Act, the La. State Bar Assoc. and the respective members of the legislature select initial members for the appellate court nominating commission. Requires that three members selected by the bar association and three elected by the respective members of the legislature serve initial terms of two years and the remaining members serve initial terms of four years; thereafter, the term of each member shall be for four years. Requires members of each appellate court nominating commission to determine by lot who shall serve an initial two-year term and who shall serve an initial

term of four years. Prohibits any person serving on the Supreme Court Nominating Commission or the appellate court nominating commission for more than 10 years.

- (4) Members shall serve without pay but shall be allowed to be reimbursed for actual expenses incurred.
- (5) Vacancies on the commission shall be filled for the unexpired term in the same manner as the previous selection.
- (6) No nominating commission member shall serve in a judicial office while serving on the commission nor shall he serve in a judicial office in the district for a period of three years after expiration of his term on the commission.
- (7) No member serving, nor for two years prior to such service on the commission, shall hold an elective office, appointive office, or be an employee in the government of the state, the government of the United States, or a political subdivision of such, nor shall he be a member of any national, state, or local political committee of a political party or faction.

Proposed law provides for the duties of the commission as follows:

- (1) Supreme Court Nominating Commission, within 60 days after the governor receives notification of a vacancy on the supreme court from the supreme court, selects three qualified nominees to fill the vacancy and submits them to the governor who within 30 days selects one to fill the vacancy.
- (2) Appellate court nominating commission, within 60 days after the governor receives notification of a vacancy on the court of appeals or a district court, parish court, family court, juvenile court, city court including a city court of New Orleans, or municipal or traffic court of New Orleans located within the court of appeals circuit from the supreme court, selects three nominees to fill such vacancy and submits them to the governor who within 30 days selects one to fill the vacancy.

Proposed law requires the State Civil Service Commission to provide staff support for each nominating commission.

Effective if, and when, the proposed amendment to Article V, Section 22 of the Constitution of Louisiana contained in the Act which originated as House Bill No. \_\_\_ of this 2020 R.S. is adopted at the congressional primary election to be held in 2020 and becomes effective.

(Adds R.S. 13:63-65)